



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/770,892	02/02/2004	Richard Finocchio	12406/81	1099

7590 03/03/2006

Andrew L. Reibman, Esq.
KENYON & KENYON
One Broadway
New York, NY 10004

EXAMINER

LAYNO, BENJAMIN

ART UNIT	PAPER NUMBER
----------	--------------

3711

DATE MAILED: 03/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/770,892

Applicant(s)

FINOCCHIO, RICHARD

Examiner

Benjamin H. Layno

Art Unit

3711

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 December 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-36 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-36 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____.

DETAILED ACTION

1. Applicant's arguments, see amendment, filed 12/12/05, with respect to the rejection(s) of claim(s) 1-33 under 102 and 103 have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of TPI and Gerow.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-6, 8-13, 16-23, 25, 28-32, 34 and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Trade Products, Inc (TPI) in view of Such.

The TPI discloses a pull-tab game ticket. The game ticket comprises a substrate. The front side of the substrate comprises a game play area having five rows of concealed symbols, each row of symbols is concealed by a pull tab, removable opaque covering. The top most row of symbols (horizontal line), the left most column of symbols (vertical line) and EZ PayCode "\$22" is a first indicia visually indicating whether the game ticket is a winning ticket. A second indicia, comprises a first player key, Win-Code number "341240", also concealed by removable opaque covering, indicates whether the game ticket is a winning ticket. The second indicia also includes a customer key area located on a separate "Check Ticket". The customer key area

comprises, second player key, a list of "Win-Code" numbers on front of the "Check Ticket". The TPI pull-tab ticket is determined as a winning ticket if the first player key "Win-Code" number "341240" on the pull-tab ticket, matches the second player key "Win-Code" number "341240" on the "Check Ticket".

The patent to Such teaches that it known to print various advertising indicia, Figs. 6 and 9 on the substrate of pull-tab tickets. In view of such teaching, it would have been obvious to print the TPI advertising list of winning "Win-Code" numbers on the front of the TPI pull-tab ticket. This modification would have saved on the manufacturing cost of printing the TPI list of winning "Win-Code" numbers on a separate "Check Ticket".

4. Claims 7, 24, 26, 27, 33 and 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over TPI in view of Such as applied to claim 1 above, and further in view of Gerow.

The patent to Gerow teaches that is well known in the pull-tab ticket art to use scratch-off layer to conceal symbols in the player area, Fig. 2. Gerow also teaches that is it well known in the pull-tab ticket art to use non-numeric and non-alphabetic symbols, bar code 22', as a computer readable medium having stored thereon instructions adapted to be executed by a processor for the validation of a game ticket, see Fig. 7, and see computer system 120, Fig. 6. In view of such teaching, it would have been obvious to modify TPI's pull-tab tickets by substituting for the pull-tabs thereof, a scratch-off layer as taught by Gerow, col. 3, lines 35-38. This modification would have provided more security and less fraud to TPI's game tickets, since scratch-off layers

Art Unit: 3711

provide a clear indication that a ticket has been used, while pull-tabs can be re-sealed. Furthermore, it would have been obvious to incorporate bar codes to the TPI tickets in order to more accurately validate TPI's game tickets.

5. Claims 14 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over TPI in view of Such as applied to claim 1 above, and further in view of Koza.

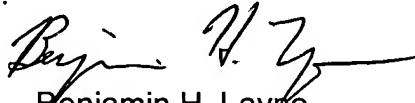
The patent to Koza et al. teaches that it is well known to manufacture a plurality of instant-win lottery tickets in a book for distribution. In view of such teaching, it would have been obvious to manufacture a plurality of TPI game tickets in a book in order for convenient distribution.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Benjamin H. Layno whose telephone number is (571) 272-4424. The examiner can normally be reached on Monday-Friday, 1st Friday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eugene Kim can be reached on (571)272-4463. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3711

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Benjamin H. Layno
Primary Examiner
Art Unit 3711

bhl